

REMARKS:Status

Claims 1 to 29 are pending. Claims 2 to 6, 8, 10, 12 to 14, 16, 19 to 23, 25, 26, 28 and 29 have been amended. Claims 1 to 6, 15, 16, and 18 to 29 are the independent claims. Reconsideration and further examination are respectfully requested.

Formal Drawings

Formal drawings are being submitted with this response.

First Section 112 Rejection

Claims 1 to 27 were rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being incomplete. In this regard, The Office Action stated the following in paragraph 3:

The omitted steps are: “moving the at least some blocks of a file from said live filesystem to said zombie filesystem”. Without performing a deletion operation or a change operation, such recording changes in claims 4, 5, 6, 18, 19, 20, 21, 22 and 23 can be performed. Applicant is advised to amend the claims to add the omitting essential steps. Claim 15 is incomplete because is missing the omitting essential steps “recording the changes to said zombie filesystem in a persistent memory.”

Applicants infer that the Office Action was intended to say that “Without performing a deletion operation or a change operation, such recording changes in claims 4, 5, 6, 18, 19, 20, 21, 22 and 23 *cannot* be performed.” Applicants have proceeded on this basis.

First, Applicants note that this rejection does not allege that all of claims 1 to 27 lack the omitted step. Thus, Applicants respectfully submit that not all of claim 1 to 27 should have been subject to this rejection.

Second, claim 4 recited the “moving” step. Withdrawal of this rejection of claim 4 is therefore requested.

Third, while claims 18 to 23 do not recite the “moving” step, they do recite a step of “transfer of a file from said live filespace to said zombie filespace.” In at least some embodiments of the invention, such transfer necessarily includes moving at least some blocks of the file from the live filespace to the zombie filespace. Thus, the “moving” step is not missing from those claims, but rather is encompassed by the existing claim elements, at least for those embodiments. Withdrawal of this rejection of claims 18 to 23 is therefore requested.

Turning to claim 15, that claim is directed toward a different aspect of the invention from “recording the changes to said zombie filespace in a persistent memory.” That claim is directed toward “dynamically growing said zombie filespace,” which is unrelated to “recording the changes to said zombie filespace in a persistent memory.” Thus, the claim would be complete whether or not the “recording” step was included. Withdrawal of this rejection of claim 15 is therefore requested.

In view of this rejection, Applicants have added a “moving” step to claims 2, 3, 5, 6, 16. This is not an admission that the “moving” step is essential, but rather has been done to advance prosecution of the case.

Second Section 112 Rejection

Claims 1 to 27 were rejected under 35 U.S.C. § 112, ¶ 2, for alleged structural problems. The Office Action indicated that claims 2, 3 and 16 should include the step of recording changes to the zombie filesystem in a persistent memory.

First, Applicants note that this rejection does not allege that all of claims 1 to 27 have structural problems. Thus, Applicants respectfully submit that not all of claim 1 to 27 should have been subject to this rejection.

Second, claims 2, 3 and 16 are directed toward a different aspect of the invention from “recording the changes to said zombie filesystem in a persistent memory.” Applicants note that adding this step would be a substantive change, not a structural one.

Nonetheless, in view of this rejection, Applicants have amended the structures of claims 2, 3 and 16 to further identify sub-steps, thereby addressing any issues of structure. Withdrawal of this rejection of claims 2, 3 and 16 is therefore requested.

Third Section 112 Rejection

Claims 1 to 27 were rejected under 35 U.S.C. § 112, ¶ 2, as allegedly being incomplete. In this regard, The Office Action stated the following in paragraph 5:

Claims 19, 20, 22, 23, 25, 26 and 23 recite “breaking links associated disk blocks with said file in a plurality of steps while said file is associated with said zombie filesystem” and “recording said breaking of said links in a plurality of steps”. The applicants have not provided the following steps. Such claims are lack of essential steps. Without providing those steps on having ordinary skill in the art would not know which steps the applicant are referring to. Applicants are advised to provide those steps. In claims 24-27

15, there is no connection between the first limitation and second limitation of the claims. Applicants are advised to provide at least a relationship between the limitations of the claims.

First, Applicants note that this rejection does not allege that all of claims 1 to 27 lack the steps. Thus, Applicants respectfully submit that not all of claim 1 to 27 should have been subject to this rejection.

Second, Applicants have removed the phrase “in a plurality of steps” from the claims, including from claims that were not listed in the rejection. The claims are believed to be complete with this limitation, which merely meant that certain operations required more than one step (e.g., computer operations) to perform. This aspect of the claims is not believed to be essential or to have been material to patentability.

Applicants were unable to identify claim “2427 15.” However, Applicants believe that any apparent lack of connection between steps might have been created by how sub-steps of certain claims were structured. Applicants have amended claims 20, 22, 23, 25, 26, 28 and 29 to further identify sub-steps, thereby addressing any issues of structure.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

Use of “Substantially”

The Office Action stated the following in paragraph 6:

The term “” in claims 4, 9, 10, 12, 13, 14, 21, 22 and 23 is a relative term which renders the claims indefinite. The term “substantially” is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be

reasonably apprised of the scope of the invention. Applicants are advised to amend the claims to remove such relative term in the claims.

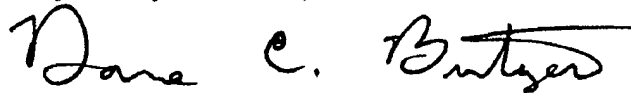
Applicants have amended the claims to remove the term "substantially" and the like from the claims.

Closing

In view of the foregoing amendments and remarks, reconsideration and withdrawal of all of the claim rejections are respectfully requested. Furthermore, the entire application is now believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at (614) 205-3241. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



Dane C. Butzer
Reg. No. 43,521

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Swernofsky Law Group PC
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700